
RULES AND DIRECTIONS

FOR

PROCEEDINGS IN THE PATENT OFFICE.

AUGUST 1, 1869.

THE PATENT OFFICE

Information and assistance are required to be in the
form of a request to the Patent Office to the effect
that the applicant is desirous of obtaining a patent
for an invention, and that he is desirous of being
advised as to the nature of the invention, and the
steps to be taken for obtaining a patent therefor.

HOW MAY ONE OBTAIN A PATENT?

The first step is to determine whether the invention
is new, and whether it is capable of being patented.
If it is, then the next step is to prepare a specification
of the invention, and to file it with the Patent Office.
The specification should contain a full and clear
description of the invention, and should also contain
claims defining the scope of the invention.

The next step is to have the specification examined
by the Patent Office. If the examination is successful,
then the invention will be granted a patent. The patent
will give the inventor the exclusive right to make
and use the invention for a certain period of time.
The period of time will depend on the nature of the
invention. For example, for a patent in relation to
an invention in the field of agriculture, the period of
time will be 15 years, and for a patent in relation to
an invention in the field of mechanical engineering, the
period of time will be 20 years.

It is important to note that the patent office will
only grant a patent if the invention is new, and if it
is capable of being patented. If the invention is not
new, or if it is not capable of being patented, then
the patent office will refuse to grant a patent. It is
therefore essential that the inventor should consult
with a patent agent before applying for a patent.

A patent agent is a person who is qualified to advise
inventors on the best way to obtain a patent. He will
also be able to prepare the specification for the invention,
and will also be able to represent the inventor before
the patent office. It is therefore highly recommended
that inventors should consult with a patent agent before
applying for a patent.

RULES AND DIRECTIONS
FOR
PROCEEDINGS IN THE PATENT OFFICE.

The following information and regulations are designed to be in strict accordance with the acts of Congress, in force, applicable to the subject of patents; which acts are printed in pamphlet form, and will be furnished gratuitously by the office, to any one who may desire them.

Copious forms, to which inventors and attorneys are recommended to conform as nearly as possible, will be found in an appendix.

WHO MAY OBTAIN A PATENT.

1. Any person, whether citizen or alien, being the original and first inventor or discoverer of any new and useful art, machine, manufacture, or composition of matter, or any new and useful improvement on any art, machine, manufacture, or composition of matter, may obtain a patent for his invention or discovery, subject to the conditions as to public use hereinafter named.

2. In case of the death of the inventor, the patent may be applied for by, and will issue to, his legal representatives; and, in case of an assignment of the whole, or of any undivided interest in the invention, the patent may issue to the assignee of the whole interest or jointly to the inventor and the assignee of the undivided interest, the assignment being first entered of record, and the application being duly made, and the specification duly sworn to by the inventor.

3. Joint inventors are entitled to a joint patent; neither can claim one separately; but independent inventors of separate improvements in the same machine, cannot obtain a joint patent for their separate inventions; nor does the fact that one man furnishes the capital and the other makes the invention entitle them to take out a joint patent.

4. Although an applicant may have actually made an invention, a patent therefor will not be granted him if the whole or any part of what he claims as new, has been, before his invention, patented, or described in any printed publication in this or any foreign country, or been invented or discovered in this country, nor if he has once abandoned his invention to the public, nor if it has been in public use or on sale with his consent or allowance for more than two years previous to his application.

5. If the inventor at the time of making his application, believes himself to be the first inventor or discoverer of the thing patented, the same shall not be held to be void on account of the invention or discovery, or any part thereof, having been before known or used in any foreign country; it not appearing that the same or any substantial part thereof had before been patented or described in any printed publication.

6. Merely conceiving the idea of an improvement or machine is not an "invention" or "discovery." The invention must have been reduced to a practical form, either by the construction of the machine itself, or of a model thereof, or by making a drawing of it, or by such disclosure of its exact character as that a mechanic can and does, from the description given, construct the improvement or a model thereof, before it will prevent a subsequent inventor from obtaining a patent.

MODE OF PROCEEDING TO OBTAIN A PATENT.

APPLICATION.

7. All applications not completed for examination within two years after the filing of the petition, will be regarded as abandoned, unless it be satisfactorily proved to the office that such delay was unavoidable.

8. The application must be made by the actual inventor, if alive, even if the patent is to issue to an assignee; but where the inventor is dead, the application and oath may be made by the executor or administrator.

9. The application must be in writing, in the English language, and addressed to the Commissioner of Patents. The petition and specification must be separately signed by the inventor. All claims and specifications filed in this office (including amendments) must be written in a fair, legible hand, without interlineations or erasures, except such as are clearly stated in a marginal or foot note written on the same sheet of paper; otherwise the office may require them to be printed. All the papers constituting the application must be attached together.

SPECIFICATION.

10. The specification is a written description of the invention or discovery, and of the manner and process of making, constructing, using, and compounding the same, in such full, clear, and exact terms, avoiding unnecessary prolixity, as to enable any person skilled in the art or science to which it appertains, or with which it is most nearly connected, to make, construct, compound, and use the same.

11. The applicant must set forth in his specification the precise invention for which he claims a patent, and in all applications for mere improvements, the specification must distinguish between what is admitted to be old, and what is described and claimed to be the improvement,

so that the office and the public may understand exactly for what the patent is granted.

12. Two or more distinct and separate inventions may not be claimed in one application; but where several inventions are necessarily connected each with the other, so that all co-operate in attaining the end which is sought, they may be so claimed.

13. If more than one invention is claimed in a single application, and they are found to be of such a nature that a single patent may not be issued to cover the whole, the office requires the inventor to divide the application into separate applications, or to confine the claim to whichever invention he may elect.

14. The specification should describe the drawings, where there are drawings,) and refer by letters and figures to the different parts; and having fully described the art, machine, improvement, or composition, it should particularly specify and point out the part, improvement, or combination which is claimed as the invention or discovery.

15. The specification must be signed, by the inventor, or by his executor or administrator, and must be attested by two witnesses. Full names must be given, and all names, whether of applicant or witnesses, must be legibly written.

16. The applicant must make oath or affirmation to the novelty of his invention and citizenship. The oath may be taken before any person authorized by law to administer oaths in this country; and in a foreign country before any minister plenipotentiary, chargé d'affaires, consul, or commercial agent, holding commission under the government of the United States, or before any notary public of the country in which the oath is taken, being attested in all cases, in this and other countries, by the proper official seal of such notary.

17. Citizens of the Dominion of Canada should state that fact specifically, and not merely that they are subjects of the Crown of Great Britain.

DRAWINGS.

18. The applicant for a patent is required by law to furnish duplicate drawings where the nature of the case admits of them.

19. One must be on thick drawing paper, sufficiently stiff to support itself in the portfolio of the office for which it is intended. It must be neatly and artistically executed, with such detached sectional views as to clearly show what the invention is, its construction, and operation. Each part must be distinguished by the same number or letter whenever it appears in the several drawings. The name of the invention should

be written at the top, the shortest side being considered as such. This drawing must be signed by the applicant or his attorney, and attested by two witnesses, and must be sent with the specification. Tracings upon cloth pasted on thick paper will not be admitted. Thick drawings should never be folded for transmission, but should be rolled.

20. The duplicate drawing to be attached to the patent will be furnished by the office at the expense of the applicant, and will be a photographic copy of the thick drawing. A fee of fifty cents per *sheet* of ten by fifteen inches will be charged, which must be transmitted with the final fee.

21. If the applicant does not choose to pay this fee, he must furnish the duplicate drawing as heretofore. This must be on tracing muslin, (which will bear folding and transportation,) and not on paper. It need not be forwarded until the patent to which it is to be attached is ordered to issue. It must have, for the purpose of attaching it, a margin of one inch on the right hand.

22. Copies of drawings of patents issued after July 1, 1869, will be furnished to any one at the uniform rate of fifty cents per sheet of standard size. Copies of drawings of patents issued prior to July 1, 1869, which can be photographed, will be furnished at the same rates, when six or more copies are ordered.

23. The following rules must be observed in the preparation of the drawings, in order that they may be photographed:

They must be executed in deep black lines to give distinctness to the print.

In shading, small lines of black ink should be used. Brush shading should be avoided.

Pale, ashy tints should be entirely dispensed with.

All colors, except black, must be avoided, especially in lettering and signatures; violet and purple inks must not be used.

The sheet must not be larger than ten inches by fifteen, that being the size of the patent. If more illustrations are needed, several sheets must be used.

24. Applicants are advised to employ competent artists to make the drawings, which will be returned if not executed in strict conformity with these rules, or if injured by folding.

MODEL.

25. A model is required in every case, except for designs, where the nature of the invention admits of such illustration. Models filed as exhibits, in interference and other cases, may be returned to the applicant, at the discretion of the Commissioner.

26. The model must be neatly and substantially made of durable

material. It should be made as small as possible, but not in any case more than one foot in length, width, or height. If made of pine, or other soft wood, it should be painted, stained, or varnished. Glue must not be used, but the parts should be so connected as to resist the action of heat or moisture.

27. A working model is always desirable, in order to enable the office fully and readily to understand the precise operation of the machine. The name of the inventor, and of the assignee, (if assigned,) and also the title of the invention, must be affixed upon it in a permanent manner.

28. When the invention is a composition of matter, a specimen of each of the ingredients and of the composition must accompany the application, and the name of the inventor and of the assignee (if there be one) must be permanently affixed thereto.

29. When a work of design can be sufficiently represented by a drawing, a model will not be required.

30. Photographs are received for the illustration of works of design only. One must be pasted upon thick drawing paper, and the other upon tracing muslin, of the size prescribed for drawings; but in every case where this mode of illustration is employed by an applicant, he will be required to deposit in this office the glass or other "negative" from which the photograph is printed, so that exact official copies may be made therefrom when desirable.

COMPLETION OF THE APPLICATION.

31. No application can be examined, nor can the case be placed upon the files for examination, until the fee is paid, the specification, with the petition and oath, filed, and the drawings and model or specimen (when required) filed or deposited. *It is desirable that everything necessary to make the application complete should be deposited in the office at the same time.* If otherwise, a letter should accompany each part stating to what application it belongs.

THE EXAMINATION.

32. All cases in the Patent Office are classified and taken up for examination in regular order; those in the same class being examined and disposed of, as far as practicable, in the order in which the respective applications are completed. When, however, the invention is deemed of peculiar importance to some branch of the public service, and when, for that reason, the head of some department of the government specially requests immediate action, the case will be taken up out of its order. These, with applications for reissue, which have precedence over original applications, are the only exceptions to the rule above stated in relation to the order of examination.

33. The personal attendance of the applicant at the Patent Office is unnecessary. The business can be done by correspondence or by attorney, and as the value of patents depends largely upon the careful preparation of specifications and claims, the assistance of competent counsel will, in most cases, be of advantage to the applicant.

34. The applicant has a right to amend, of course, after the first rejection; and he may amend after the second, if the examiner therein present any new references. After a second rejection, and at any time before the issue of the patent, the applicant may draw up special amendments and present the same to the Commissioner, together with an affidavit showing good cause why the amendments were not sooner offered; whereupon the Commissioner may, in his discretion, grant leave to make such special amendments, and allow a reconsideration by the examiner in charge.

35. All amendments of the model, drawings, or specification, must conform to at least one of them as they were at the time of the filing of the application; and all amendments of specifications or claims must be made on separate sheets of paper from the original, and must be filed in the manner above directed. Even when the amendment consists in striking out a portion of the specification, or other paper, the same course should be observed. No erasure must be made. The papers must remain forever as they were when filed, so that a true history of all that has been done in the case may be gathered from them.

36. In every case of amendment the exact word or words to be stricken out or inserted, should be clearly described, and the precise point indicated where any insertion is to be made.

37. Upon the rejection of an application for the want of novelty, the applicant will be furnished with a specific reference (by name, date and class) to the article or articles by which it is anticipated, so that he may be enabled to judge of the propriety of renewing his application, or of amending his specification to embrace only that part of the invention which is new. If he desires a copy of the cases so referred to, or of the plates or drawings connected with them, they will be forwarded to him, if in possession of the office, on payment of the cost of making such copies.

38. When the rejection of an application is founded upon another case, previously rejected but not withdrawn or abandoned, the applicant will be furnished with all information in relation to the previously rejected case, which is necessary for the proper understanding and management of his own.

39. The specification, especially if the claim be amended, will be subject to examination and revision by the examiner, for the purpose of cor-

recting inaccuracies of language or unnecessary prolixity, and of securing correspondence between the description of the invention and the claim.

40. The office will not return specifications for amendment, and in no case will any person be allowed to take any papers, drawings, models, or samples from the office. If applicants have not preserved copies of such papers as they wish to amend, the office will furnish them on the usual terms.

WITHDRAWALS.

41. In the case of rejected applications filed prior to March 2, 1861, the applicant may, upon withdrawing his application and sending his receipt for the money, receive two-thirds of the fee paid by him, together with the model and duplicate drawing. But no money paid on any application filed subsequent to the second day of March, 1861, nor for a design, nor for a reissue, can be withdrawn.

REPAYMENT OF MONEY.

42. Money paid by actual mistake will be refunded, but a mere change of purpose after the payment of money will not entitle a party to demand such return.

RETAINING PATENTS IN THE SECRET ARCHIVES.

43. An application upon which a patent has been allowed may, at the request of the applicant or of his assignee, made before the patent has been recorded, be retained in the secret archives of the office for a period not exceeding six months from the date of the order to issue, without reference to the time of payment of the final fee.

APPEALS.

44. After an application for a patent has been twice rejected by the examiner having it in charge, it may, at the option of the applicant, be brought before the board of examiners in chief, on payment of a fee of ten dollars. For this purpose a petition in writing must be filed, signed by the party or his authorized agent or attorney.

45. The applicant is entitled to two rejections upon the claim as originally filed, or, if amended, upon the amended claim; and decisions of examiners upon intermediate questions, or refusals to act, twice repeated, shall be equivalent to second rejections.

46. The examiners in chief will consider the case as it was when last passed upon by the primary examiner, merely revising his decisions so far as they were adverse to the applicant.

47. All cases which have been acted on by the board of examiners in chief may be brought before the Commissioner in person, upon a written

request to that effect, and upon the payment of the fee of twenty dollars required by law.

48. A case deliberately decided by one Commissioner will not be disturbed by his successor. The only remaining remedy will be by appeal in those cases allowed by law to one of the judges of the supreme court of the District of Columbia.

49. The mode of appeal from the decision of the office to the judges of the supreme court of the District of Columbia, is by giving written notice thereof to the Commissioner, filing in the Patent Office, within such time as the Commissioner shall appoint, reasons of appeal, and paying to him the sum of twenty-five dollars.

50. Printed forms of notice of appeal, of the reasons of appeal, of the petition, and copies of the rules of the supreme court of the District of Columbia, will be forwarded on request. The rules adopted by the supreme court, in appeals from the decisions of the Commissioner of Patents, will be found in the appendix.

INTERFERENCES.

51. An "interference" is declared between two or more persons, in the following cases:

First. When each of two or more persons claims to be the inventor of the same thing.

Second. When an applicant, having been rejected upon the prior patent or application of another, claims to have made the invention before the prior applicant or patentee.

Third. When an applicant for a reissue embraces in his amended specification any new or additional description of his invention, or enlarges his claim, or makes a new one, and thereby includes therein anything which has been claimed in any patent granted subsequent to the date of his original application, as the invention of another person, an interference will be declared between the application and any unexpired patent, or pending application, in which the same thing is claimed; but not where such pending application for reissue, claims only what was granted in the original patent.

Fourth. When an application is found to conflict with a caveat, the caveator is allowed a period of three months within which to present an application, when an interference may be declared.

Fifth. The office reserves to itself the right, when two applications are pending at the same time, in one of which a device may be described which is claimed in the other, to declare an interference to determine with whom is priority of invention, without reference to the order in which such application may have been filed.

52. The fact that one of the parties has already obtained a patent will not prevent an interference; for, although the Commissioner has no power

to cancel a patent already issued, he may, if he finds that another person was the prior inventor, give him also a patent, and thus place them on an equal footing before the courts and the public.

53. When an applicant requests to be put into interference with a patent which was granted more than two years before his application, or with an applicant who has just been successful in an interference with another party, he will be required to file an affidavit setting forth the date and history of his invention.

54. In cases of interference, parties have the same remedies by appeal as applicants in pending applications.

55. When an interference is declared notice will be given to both parties, or to their attorneys. When one of the parties has filed a caveat or already received a patent, duplicate notices will be sent to the patentee or caveator and to his attorney of record.

56. In cases of interference the party who first filed his application for a patent will be deemed the first inventor in the absence of all proof to the contrary. A time will be assigned in which the other party shall complete his direct testimony, and a further time in which the adverse party shall complete the testimony on his side; and a still further time in which both parties may take rebutting testimony, but shall take no other. If there are more than two parties, the times for taking testimony shall be so arranged that each shall have a like opportunity in his turn, each being held to go forward and prove his case against those who filed their applications before him.

57. If either party wishes the time for taking his testimony, or for the hearing, postponed, he must make application for such postponement, and must show sufficient reason for it by affidavit filed before the time previously appointed has elapsed, if practicable; and must also furnish his opponent with copies of his affidavits and with seasonable notice of the time of hearing his application.

58. Cases of interference will, when the issue is made up and the testimony taken, be tried before an examiner specially detailed for that purpose. If an interference has been properly declared, it will not be dissolved without judgment of priority, founded upon the testimony or the written concession of one of the parties.

59. No amendments to the specification will be received during the pendency of an interference, except as provided in section 60. A second interference will not be declared upon a new application filed by either party during the pendency of an interference, or after judgment, nor will a rehearing be granted, unless it be shown to the satisfaction of the

Commissioner that the party desiring a new interference or rehearing, has new and material testimony which he could not have procured in time for the hearing.

60. When an application is adjudged to interfere with a part only of another pending application, the interfering parties will be permitted to see or obtain copies of so much only of the specifications as refers to the interfering claims. And either party may, if he so elect, withdraw from his application the claims adjudged not to interfere, and file a new application therefor: *Provided*, the claims so withdrawn cover inventions which may properly be embodied in a separate patent. In such case, the new application will be examined without reference to the interference from which it was withdrawn.

REISSUES.

61. A reissue is granted to the original patentee, his heirs, or the assignees of the entire interest, when by reason of an insufficient or defective specification the original patent is invalid, provided the error has arisen from inadvertence, accident, or mistake, without any fraudulent or deceptive intention.

62. The petition for a reissue must show that all parties owning any undivided interest in the patent concur in the surrender. A statement, under oath, of the title of the party proposing to surrender must be filed with the application.

63. The general rule is, that whatever is really embraced in the original invention, and so described or shown that it might have been embraced in the original patent, may be the subject of a reissue; but an applicant will not be allowed the benefit of proof that there was more in his invention than is shown in his original application, drawings, model, or specimens. The drawings or model may be amended, each by the other, but amendments of the drawings or model founded solely upon the written description will not be permitted.

64. Reissued patents expire at the end of the term for which the original patent was granted. For this reason applications for reissue will be acted upon as soon as filed.

65. A patentee, in reissuing, may at his option have a separate patent for each distinct part of the invention comprehended in his original application, by paying the required fee in each case, and complying with the other requirements of the law, as in original applications. Each division of a reissue constitutes the subject of a separate specification descriptive of the part or parts of the invention claimed in such division; and the drawing may represent only such part or parts.

66. In all cases of applications for reissues the original claim, if reproduced in the amended specification, is subject to re-examination, and may be revised and restricted in the same manner as in original applications.

DISCLAIMERS.

67. Whenever, by inadvertence, accident, or mistake, the claim of invention in any patent is too broad, claiming more than that of which the patentee was the original or first inventor, some material and substantial part of the thing patented being truly and justly his own, the patentee, his administrators, executors, and assigns, whether of the whole or of a sectional interest, may make disclaimer of such parts of the thing patented as the disclaimant shall not claim to hold by virtue of the patent or assignment, stating therein the extent of his interest in such patent; which disclaimer shall be in writing, attested by one or more witnesses, and recorded in the Patent Office.

EXTENSIONS.

68. Power is vested in the Commissioner to extend any patent granted prior to March 2, 1861, for seven years from the expiration of the original term; but no patent granted since March 2, 1861, except for a design, can be extended.

69. The applicant for an extension must file his petition and pay in the requisite fee at least ninety days prior to the expiration of his patent. There is no power in the Patent Office to renew a patent after it has once expired.

70. Any person who intends to oppose an application for extension may, at any time after such application has been made, give notice of such intention to the applicant. After this he will be regarded as a party in the case.

71. The applicant for an extension must furnish to the office a statement in writing, under oath, of the ascertained value of the invention, and of his receipts and expenditures. This statement should be made particular and in detail, unless sufficient reason is set forth why such a statement cannot be furnished. It must be filed within thirty days after filing the petition.

72. The questions which arise on each application for an extension are:

First. Is the invention *novel*?

Second. Is it *useful*?

Third. Is it *valuable* and *important* to the public?

Fourth. Has the inventor been *adequately remunerated* for his time and expense in originating and perfecting it?

Fifth. Has he used due diligence in introducing his invention into general use?

No proof will be required from the applicant upon the first and second questions unless the invention is assailed upon these points by opponents.

To enable the Commissioner to come to a correct conclusion in regard

to the third point of inquiry, the applicant should, if possible, procure the testimony of persons disinterested in the invention, which testimony should be taken under oath.

In regard to the fourth and fifth points of inquiry, in addition to his own oath showing his receipts and expenditures on account of the invention, by which its value is to be ascertained, the applicant should show, by testimony under oath, that he has taken all reasonable measures to introduce his invention into general use; and that, without default or neglect on his part, he has failed to obtain from the use and sale of the invention a reasonable remuneration for the time, ingenuity, and expense bestowed on the same, and the introduction thereof into use.

73. In case of opposition to the extension of a patent, by any person, both parties may take testimony, each giving reasonable notice to the other of the time and place of taking said testimony, which shall be taken according to the rules prescribed by the Commissioner of Patents in cases of interference.

74. Any person opposing an extension must file his reasons of opposition in the Patent Office at least twenty days before the day of hearing. He will be entitled to notice of the time and place of taking testimony; to a list of the names and residences of witnesses whose testimony may have been taken previous to his service of notice of opposition; and to a copy of the application, and of any other papers on file, upon paying the costs of copying.

75. In contested cases no testimony will be received, unless by consent, which has been taken within thirty days next after the filing of the petition for the extension.

76. Service of notice to take testimony may be made upon applicant, upon the opponent, upon the attorney of record of either; or, if there be no attorney of record, upon any attorney or agent who takes part in the service of notice or the examination of the witnesses of either party.

77. In the notice of the application for an extension a day will be fixed for the closing of testimony; a day ten days later for the reception of arguments, and for the filing of the examiner's report; and a day five days after this for a hearing; but no case will be set for hearing more than three weeks prior to the expiration of the patent. Applications for a postponement of the hearing must be made and supported according to the same rules as are to be observed in cases of interference. But they will not be granted in such a manner as to cause a risk of preventing a decision in season.

DESIGNS.

78. A patent for a design may be granted to any citizen or citizens, or alien or aliens having resided one year in the United States and taken oath of his or their intention to become a citizen or citizens, who, by his, her, or their own industry, genius, efforts, and expense, may have invented or produced any new and original design for a manufacture, whether of metal or other material or materials, an original design for a bust, statue, or bas-relief, or composition in alto or basso-relievo, or any new and original impression or ornament, or to be placed on any article of manufacture, the same being formed in marble or other material, or any new and useful pattern, or print, or picture, to be either worked into or worked on, or printed, or painted, or cast, or otherwise fixed on any article of manufacture, or any new and original shape or configuration of any article of manufacture not known or used by others before his, her, or their invention or production thereof, and prior to the time of his, her, or their application for a patent therefor.

79. Patents for designs are granted for the term of three and one-half years, or for the term of seven years, or for the term of fourteen years, as the said applicant may elect in his application.

80. The petition, oath, specification, and other proceedings in the case of applications for letters-patent for a design, are the same as for other patents, except that the thin drawing must be furnished by applicant, as the drawings of design are not photographed by the office.

81. Patents for designs may be extended for seven years upon the same terms and restrictions as are provided for other patents.

82. Trade-marks, merely, are not patentable. There must be some new design to authorize a patent.

FOREIGN PATENTS.

83. The taking out of a patent in a foreign country does not prejudice a patent previously obtained here, nor does it prevent obtaining a patent here subsequently.

84. When application is made for a patent for an invention which has been already patented abroad, the inventor will be required to make oath that, according to the best of his knowledge and belief, the same has not been introduced into public and common use in the United States.

85. An applicant who has obtained a foreign patent should (temporarily) file in the office the patent so obtained, with the specifications (provisional or complete) attached, or a sworn copy of them. But where such papers or copies cannot be conveniently furnished, it will be suffi-

cient if the reasons of such inability be set forth by affidavit; and the applicant shall also state the fact that a foreign patent has actually been obtained, giving its date, and showing clearly that the invention so patented covers the whole ground of his present application.

CAVEATS.

86. Any citizen of the United States, or alien who has resided for one year last past in the United States, and has made oath of his intention to become a citizen thereof, can file a caveat in the secret archives of the Patent Office on the payment of a fee of ten dollars therefor. And if, at any time within one year thereafter, another person applies for a patent for the same invention, the caveator will be entitled to notice to file his application and to go into interference with the applicant for the purpose of proving priority of invention, and obtaining the patent if he succeed. He must file his application within three months from the day on which the notice to him is deposited in the post office at Washington, adding the regular time for the transmission of the same to him; and the day when the time for filing expires shall be mentioned in the notice or indorsed thereon.

87. The caveator will not be entitled to notice of any application pending at the time of filing his caveat, nor of any application filed after the expiration of one year from the date of filing the caveat; but he may renew his caveat at the end of one year by paying a second caveat fee of ten dollars, which will continue it in force for one year longer, and so on from year to year as long as the caveator may desire.

88. No caveat can be filed in the secret archives of the office unless accompanied by an oath of the caveator that he is a citizen of the United States, or, if he is an alien, that he has resided for one year last past within the United States, and has made oath of his intention to become a citizen thereof; nor unless the applicant also states, under oath, that he believes himself the original inventor of the art, machine, or improvement set forth in his caveat.

89. A caveat need not contain as particular a description of the invention as is requisite in a specification; but still the description should be sufficiently precise to enable the office to judge whether there is a probable interference when a subsequent application is filed.

90. Caveat papers cannot be withdrawn from the office nor undergo alteration after they have once been filed; but additional papers relative to the invention may be appended to the caveat, (their date being noted,) provided they are merely amendatory of the original caveat.

91. In the case of filing papers supplementary to an original caveat, the right to notice in regard to the subject of those papers expires with

the caveat; and any additional papers not relating to the invention first caveated will receive no notice.

92. The caveator, or any person properly authorized by him, can at any time obtain copies of the caveat papers at the usual rates.

93. When practicable the caveat should be accompanied by drawings or sketches.

ASSIGNMENTS.

94. A patent may be assigned, either as to the whole interest or any undivided part thereof, by any instrument of writing. No particular form of words is necessary to constitute a valid assignment, nor need the instrument be sealed, witnessed, or acknowledged.

95. A patent will, upon request, issue directly to the assignee or assignees of the entire interest in any invention, or to the inventor and the assignee jointly, when an undivided part only of the entire interest has been conveyed.

96. In every case where a patent issues to an assignee the assignment must be first recorded, and the specification must be sworn to by the inventor.

97. When the patent is to issue in the name of the assignee the entire correspondence should be in his name.

98. The patentee may grant the right to make and use, and to grant to others to make and use, the invention in any specified portion of the United States, by an instrument in writing.

99. Every assignment or grant of an exclusive territorial right must be recorded in the Patent Office within three months from the execution thereof, but if recorded after that time it will protect the assignee or grantee against any one purchasing after the assignment or grant is placed on record.

100. The patentee may convey separate rights under his patent to make or to use or to sell his invention, or he may convey territorial or shop rights, which are not exclusive. Such conveyances are mere licenses, and need not be recorded.

101. The receipt of assignments is not generally acknowledged by the office. They will be recorded in their turn within a few days after their reception, and then transmitted to the persons entitled to them. A five-cent revenue stamp is required for each sheet or piece of paper on which an assignment, grant, or license may be written.

OFFICE FEES, AND HOW PAYABLE.

102. Nearly all the fees payable to the Patent Office are positively required by law to be paid in advance, that is, upon making application for any action by the office for which a fee is payable. For the sake of uniformity and convenience, the remaining fees will be required to be paid in the same manner.

103. The following is the tariff of fees established by law:

On filing every application for a design, for three years and six months.....	\$10 00
On filing every application for a design, for seven years.....	15 00
On filing every application for a design, for fourteen years.....	30 00
On filing every caveat.....	10 00
On filing every application for a patent.....	15 00
On issuing each original patent.....	20 00
On filing a disclaimer.....	10 00
On filing every application for a reissue.....	30 00
On filing every application for a division of a reissue.....	30 00
On filing every application for an extension.....	50 00
On the grant of every extension.....	50 00
On filing the first appeal from a primary examiner to examiners in chief.....	10 00
On filing an appeal to the Commissioner from examiners in chief	20 00
On filing every appeal to the judges of the supreme court D. C.	25 00
For every copy of a patent or other instrument, for every 100 words	10
For every copy of drawing, the cost of having it made.....	
For recording every assignment of 300 words or under.....	1 00
For recording every assignment, if over 300 and not over 1,000 words.....	2 00
For recording every assignment, if over 1,000 words.....	3 00
On filing every application for a patent by a citizen of Canada, which discriminates against citizens of the United States....	500 00

104. By the act of March 3, 1863, the final fee on issuing a patent must be paid within six months after the time at which the patent was allowed and notice thereof sent to the applicant or his agent. And if the final fee for such patent be not paid within that time the patent will be forfeited, and the invention therein described become public property as against the applicant therefor, unless he shall make a new application therefor within two years from the date of the original allowance.

105. The money for the payment of fees may be deposited with an assistant treasurer of the United States, or other officer authorized to receive the same, taking his certificate and remitting the same to this office. When this cannot be done without much inconvenience, the money may be remitted by mail, and in every case the letter should state

the exact amount inclosed. Letters containing money may be registered. Post office money orders now afford a safe and convenient mode of transmitting fees. All such orders should be made payable to the Commissioner of Patents.

106. The following officers are authorized to receive patent fees on account of the Treasurer of the United States, and to give receipts and certificates of deposit therefor, to wit:

Assistant treasurer of the United States, Boston, Massachusetts.

Assistant treasurer of the United States, New York, New York.

Treasurer of the Mint, Philadelphia, Pennsylvania.

Surveyor and inspector, Pittsburg, Pennsylvania.

Collector of customs, Baltimore, Maryland.

Collector of customs, Buffalo Creek, New York.

Assistant treasurer of the United States, St. Louis, Missouri.

Surveyor of the customs, Cincinnati, Ohio,

Receiver of public moneys, Jeffersonville, Indiana.

Receiver of public moneys, Chicago, Illinois.

Receiver of public moneys, Detroit, Michigan.

Assistant treasurer of the United States, San Francisco, California.

And any national bank which has been designated as a depository of the public moneys.

107. All money sent by mail, either to or from the Patent Office, will be at the risk of the owner. In no case should money be sent inclosed with models. All payments to or by the office must be paid in specie, treasury notes, national bank notes, certificates of deposit, or post office money orders.

STAMPS.

108. Revenue stamps must be attached as follows:

First. A stamp of the value of fifty cents is required upon each power of attorney authorizing an attorney or agent to transact business with this office relative to an application for a patent, reissue, or extension.

Second. No assignment directing a patent to issue to an assignee will be recognized by this office, nor will any assignment be recorded, unless stamps shall be affixed of the value of five cents for every sheet or piece of paper upon which the same shall be written.

Third. The person using or affixing the stamp must cancel the same by writing thereupon the initials of his name and the date.

TAKING AND TRANSMITTING TESTIMONY.

109. Section 1, act March 2, 1861, requires the clerks of the circuit courts of the United States to issue subpoenas to compel the attendance of witnesses whose depositions are desired to be read in evidence in any contested cases in the Patent Office.

In interference, extension, and other contested cases the following rules have been established for taking and transmitting evidence:

First. That, before the deposition of a witness or witnesses be taken by either party, due notice shall be given to the opposite party, as hereinafter provided, of the time and place when and where such deposition or depositions will be taken, with the names and residences of the witness or witnesses then and there to be examined, so that the opposite party, either in person or by attorney, shall have full opportunity to cross-examine the witness or witnesses: *Provided*, That if the opposite party or his counsel be actually present at the taking of testimony, witnesses not named in the notice may be examined, but not otherwise. And such notice shall, *with proof of service of the same*, be attached to the deposition or depositions, whether the party cross-examine or not; and such notice shall be given in sufficient time for the appearance of the opposite party.

Second. That, whenever a party relies upon a caveat to establish the date of his invention, a certified copy thereof must be filed in evidence, with due notice to the opposite party, as no notice can be taken by the office of a caveat filed in its secret archives.

Third. That all evidence, &c., shall be sealed up, entitled upon the envelope with the name of the case in which it is taken, and addressed to the Commissioner of Patents by the person before whom it shall be taken, and so certified thereon, and forwarded, immediately upon the close of the examination, to the Patent Office.

Fourth. In cases of extension where no opposition is made, *ex parte* testimony will be received from the applicant; and such testimony as may have been taken by the applicant prior to notice of opposition, shall be received, unless taken within thirty days after filing the petition for the extension: *Provided*, That immediately upon receiving notice of opposition the applicant shall give notice to the opposing party or parties of the names and residences of the witnesses whose testimony has thus been taken.

Fifth. That no evidence touching the matter at issue will be *considered* upon the day of hearing which shall not have been taken and filed in compliance with these rules: *Provided*, Notice of the objection has been given, as hereinafter prescribed, (see rule 113:) *Provided also*, That if either party shall be unable, for good and sufficient reasons, to procure the testimony of a witness or witnesses within the stipulated time, it shall be the duty of said party to give notice of the same to the Commissioner of Patents, accompanied by statements, *under oath*, of the cause of such inability, and of the names of such witnesses, and of the facts expected to be proved by them, and of the *steps* which have been taken to procure said testimony, and of *the time or times* when efforts have been made to procure it; which last-mentioned notice to the Commissioner shall be received by him previous to the day of hearing aforesaid.

110. The notice for taking testimony must be served by delivering to the adverse party a copy. If he is not found, such service may be made upon his agent or attorney of record, or counsel, as provided in rule 76, or by leaving a copy at the party's usual place of residence, with some member of the family who has arrived at the years of discretion. It must be annexed to the deposition, with a certificate duly sworn to, stating the manner and time in which the service was made.

111. The testimony must (if either party desires it) be taken in answer to interrogatories—having the questions and answers committed to writing in their regular order by the magistrate, or, under his direction, by some person not interested in the issue, nor an agent or attorney of one who is. The deposition, when complete, must be signed by the witness.

112. The magistrate must append to the deposition his certificate, stating the time and place at which it was taken, the names of the witnesses, the administration of the oath, at whose request the testimony was taken, the occasion upon which it is intended to be used, the names of the adverse party, (if any,) and whether they were present.

113. No notice will be taken, at the hearing, of any merely formal or technical objection, unless it shall appear to have wrought a substantial injury to the party raising the objection; nor even then, unless, as soon as that party became aware of the objection, he immediately gave notice thereof to this office, and also to the opposite party, informing him at the same time that, unless corrected, he should urge his objection at the hearing.

114. In contested cases, whether of interference or of extension, parties may have access to the testimony on file, prior to the hearing, in presence of the officer in charge; or copies may be obtained by them at the usual rates.

RULES OF CORRESPONDENCE.

115. All correspondence must be in the name of the Commissioner of Patents, and all letters and other communications intended for the office must be addressed to him. If addressed to any of the other officers they will not be noticed, unless it should be seen that the mistake was owing to inadvertence. A separate letter should in every case be written in relation to each distinct subject of inquiry or application, the subject of the invention and the date of filing being always carefully noted.

116. When an agent has filed his power of attorney, duly executed, the correspondence will, in ordinary cases, be held with him only. A double correspondence with him and his principal, if generally allowed, would largely increase the labor of the office. For the same reason the

assignee of an entire interest in an invention is entitled to hold correspondence with the office, to the exclusion of the inventor. If the principal becomes dissatisfied, he must revoke his power of attorney, and notify the office, which will then communicate with him.

117. All communications to and from the Commissioner upon official business are carried in the mail free of postage.

118. After a second rejection none of the papers can be inspected, save in the presence of a sworn officer, nor will any of the papers be returned to the applicant or agent.

119. Whenever it shall be found that two or more parties whose interests are in conflict are represented by the same attorney, the examiner in charge will notify each of said principal parties of this fact and also the attorney.

120. Aside from the caveats, which are required by law to be kept secret, all pending applications are, as far as practicable, preserved in like secrecy. No information will therefore be given those inquiring whether any particular case is before the office, or whether any particular person has applied for a patent.

121. But information is given in relation to any case after a patent has issued, or after a patent has been refused, and the further prosecution of the application is abandoned.

122. The models, in such cases, are so placed as to be subject to general inspection. The specifications and drawings in any particular case can be seen by any one having particular occasion to examine them, and copies thereof, as well as of patents granted, will be furnished at the bare expense of making them. Copies will be made on parchment, at the request of the applicant, on his paying the additional cost.

123. Even after a case is rejected, the application is regarded as pending until after the decision of an appeal thereon, or until after the party has withdrawn the case from the further consideration of the office; but if a party whose application has been rejected allows the matter to rest for two years without taking any further steps therein, it will be regarded as abandoned, and will no longer be protected by any rule of secrecy. The specification, drawings, and model will then be subject to inspection in the same manner as those of patented or withdrawn applications.

124. Information in relation to pending cases is given so far as it becomes necessary in conducting the business of the office, but no further. Thus, when an interference is declared between two pending applications, each of the contestants is entitled to a knowledge of so much

of his antagonist's case as to enable him to conduct his own, understandingly.

125. The office cannot respond to inquiries as to the novelty of an alleged invention, in advance of an application for a patent, nor upon inquiries founded upon brief and imperfect descriptions propounded with a view of ascertaining whether such alleged improvements have been patented, and, if so, to whom; nor can it act as an expounder of the patent law, nor as counsellor for individuals, except as to questions arising within the office. A copy of the rules with this section marked, sent to the individual making an inquiry of the character referred to, is intended as a respectful answer by the office.

126. All business with the office should be transacted in writing. Unless by the consent of all parties, the action of the office will be predicated exclusively on the written record. No attention will be paid to any alleged verbal promise or understanding, in relation to which there is any disagreement or doubt.

ATTORNEYS.

127. Any person of intelligence and good moral character may appear as the attorney in fact or agent of an applicant upon filing a proper power of attorney.

128. Powers of attorney must contain a clause of substitution, to authorize the attorney to substitute for or associate with himself a second agent; but such powers will not authorize the second agent to appoint a third.

129. A power of attorney must be filed in every case, both by original and associate attorneys, before such attorney will be allowed to inspect papers or take action of any kind; but a revenue stamp need be affixed to original powers only.

130. Attorneys will be expected to conduct their business with the office with decorum and courtesy. For gross misconduct the Commissioner may refuse to recognize any person as a patent agent, either generally or in any particular case; and for lesser offenses attorneys may be refused the privilege of oral interviews and be required to transact all their business with the office in writing.

LIBRARY.

131. No persons are allowed to take books from the library, except those employed in the office.

All books taken from the library must be entered in a register kept for the especial purpose, and returned on the call of the librarian.

Any book lost or defaced must be replaced by another.

Patentees and others doing business with the office can examine the books only in the library hall.

All translations will be made at the usual rates by the office.

No persons will be allowed to make copies or tracings from works in the library. Such copies will be furnished at the usual rates.

SAMUEL S. FISHER,
Commissioner.

U. S. PATENT OFFICE, *August 1, 1869.*

APPENDIX OF FORMS.

PETITIONS.

1. BY A SOLE INVENTOR.

To the Commissioner of Patents :

Your petitioner prays that letters patent may be granted to him for the invention set forth in the annexed specification.

JOHN SMITH.

2. BY JOINT INVENTORS.

To the Commissioner of Patents :

Your petitioners pray that letters patent may be granted to them, as joint inventors, for the invention set forth in the annexed specification.

JOHN SMITH.

THOMAS BROWN.

3. BY AN ASSIGNEE.

To the Commissioner of Patents :

Your petitioner prays that letters patent may be granted to him, as assignee of the inventor, Joel Thomas, for the invention set forth in the annexed specification.

JAMES GREENFIELD.

4. BY AN ADMINISTRATOR.

To the Commissioner of Patents :

Your petitioner, William Davis, administrator of the estate of George Owen, deceased, (as by reference to the duly certified copy of letters of administration, hereto annexed, will more fully appear,) prays that letters patent may be granted to him for the invention of the said George Owen, set forth in the annexed specification.

WILLIAM DAVIS, *Administrator, &c.*

5. BY AN EXECUTOR.

To the Commissioner of Patents :

Your petitioner, Samuel Wilson, executor of the last will and testament of Henry Somers, deceased, (as by reference to the duly certified copy of letters testamentary, hereto annexed, will more fully appear,) prays that letters patent may be granted to him for the invention of the said Henry Somers, set forth in the annexed specification.

SAMUEL WILSON, *Executor, &c.*

6. FOR A REISSUE, (BY A PATENTEE.)

To the Commissioner of Patents :

Your petitioner prays that he may be allowed to surrender the letters patent for an improvement in coal scuttles, granted to him May 16, 1867, whereof he is now sole owner, and that letters patent may be reissued to him for the same invention, upon the annexed amended specification.

RICHARD JONES.

7. FOR A REISSUE, (BY ASSIGNEES.)

To the Commissioner of Patents :

Your petitioners pray that they may be allowed to surrender the letters patent for an improvement in coal scuttles, granted to Richard Jones May 16, 1867, whereof they are now owners, by assignment, of the entire interest, and that letters patent may be reissued to them for the same invention, upon the annexed amended specification.

JOHN TOWERS.

ARCHIBALD SOMERS.

8. FOR AN EXTENSION, (BY A PATENTEE.)

To the Commissioner of Patents :

Your petitioner prays that the letters patent No. 12,841, for an improvement in steam engines, granted to him August 17, 1853, may be extended for seven years from and after the expiration of the original term.

JAMES JOHNSON.

9. FOR AN EXTENSION, (BY AN ADMINISTRATOR.)

To the Commissioner of Patents :

Your petitioner, Thomas Twitcher, administrator of the estate of Timothy Tweedle, deceased, (as by reference to the duly certified copy of letters of administration, hereto annexed, will more fully appear,) prays that letters patent No. 12,842, for an improvement in stoves, granted to said Timothy Tweedle, August 24, 1853, may be extended for seven years from and after the expiration of the original term.

THOMAS TWITCHER, *Administrator.*

10. FOR LETTERS PATENT FOR A DESIGN.

To the Commissioner of Patents :

Your petitioner prays that letters patent may be granted to him for the new and original design set forth in the annexed specification.

THOMAS TASTY.

11. PETITION, WITH POWER OF ATTORNEY.

To the Commissioner of Patents :

Your petitioner prays that letters patent may be granted to him for the invention set forth in the annexed specification; and he hereby appoints Solomon Sharp, of the City of Washington, D. C., his attorney,

with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent Office connected herewith.

PETER PENDENT.

[Fifty-cent
revenue
stamp.]

[If the power of attorney be given at any time other than that of making application for patent, it will be in substantially the following form:]

12. POWER OF ATTORNEY.

To the Commissioner of Patents:

The undersigned having, on or about the 20th day of July, 1859, made application for letters patent for an improvement in a horse-power, hereby appoints Lawrence Legal, of the City of Washington, D. C., his attorney, with full power of substitution and revocation, to prosecute said application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent Office connected therewith.

Signed at Brooklyn, County of Kings, and State of New York, this 27th day of July, A. D. 1869.

CHARLES CAUTIOUS.

[Fifty-cent
revenue
stamp.]

13. REVOCATION OF POWER OF ATTORNEY.

The undersigned having, on or about the 26th day of December, 1867, appointed Thomas Tardy, of the City of New York, N. Y., his attorney to prosecute an application for letters patent for an improvement in the running gear of wagons, hereby revokes the power of attorney then given.

Signed at Richmond, Va., this 21st day of July, 1869.

RALPH WHITMAN.

SPECIFICATIONS.

14. FOR A MACHINE.

Specification.

I, William Woodworth, of Poughkeepsie, in the County of Dutchess and State of New York, have invented certain improvements in planing-machines, of which the following is a specification:

NATURE AND OBJECTS OF THE INVENTION.

The first part of my invention, relates to the combination of rotary cutters and feeding-rollers, in such a manner that the said feeding-rollers shall be capable of feeding the lumber to the cutters, and also of effectually resisting the tendency of the cutters to draw the lumber upward towards them; the object of this part of my invention being to reduce

the lumber operated upon to a uniformity of thickness, and to give it a planed and even surface upon one side thereof.

The second part of my invention relates to the combination, with feeding-rollers and rotary cutters for planing one of the principal surfaces of the lumber, of rotary matching cutters so as to form a tongue or groove, or both, upon the edge or edges of the lumber, at the same time that one of its principal surfaces is planed.

DESCRIPTION OF THE ACCOMPANYING DRAWINGS.

Figure 1 is a side elevation of a machine embodying my invention.

Figure 2 is a plan of the same.

Figure 3 is an elevation showing that end of the machine which is at the right hand in figure 1.

Figure 4 is a vertical transverse section, showing those parts of the machine which are at the right hand of the line *xx* drawn across figures 1 and 2.

GENERAL DESCRIPTION.

A is the frame of the machine, which frame should be substantially constructed to resist the vibrations of the operating parts. B is the driving-pulley, which is hung on the main shaft C of the machine, from which latter, motion is communicated to the operating parts. D is the shaft of the rotary cutters by which the lumber is planed. This shaft is made flat upon two of its sides, between its bearings, for the reception of the cutters E E, which are firmly secured to it by bolts *a a*, the holes through these cutters for the reception of these bolts being elongated in the direction of the width of the cutters to allow the necessary adjustment of the cutters. The shaft D is hung in adjustable bearings, by which it may be elevated and depressed to regulate the thickness of the planed lumber. F is a pulley on the shaft D, which receives motion by a belt G, from the band-wheel H, on the driving shaft. I I and J J are the feeding-rollers, each pair of which is connected by finger pinions *b b*, and the upper roller of each pair is hung in spring bearings which allow it to yield slightly upward to pressure, to adapt it to any differences or inequalities in the thickness of the lumber. The lower roller of each pair is provided with a worm wheel *c*, which meshes into a worm or endless screw *d*, on the shaft *k*, which is propelled by a bevel wheel *l*, on the main shaft, working into the bevel wheel *f*, on the shaft *k*.

L and M are cutters hung upon vertical shafts N and O, one set of these cutters being adapted to form a groove, and the other to form a tongue upon the edge of the board to be operated upon. These cutters are attached to the shafts in the manner already described with relation to the cutters E E.

The shafts N and O are provided with pulleys *g g*, and rotation is communicated to them by belts *h h*, from pulleys *i i*, on the main shaft. Rotation being given in the direction of the arrow to the driving pulley.

The lumber to be planed is introduced from the end of the machine, which is shown at the right hand in figures 1 and 2, and being grasped by the rollers I I, is by them drawn forward to the cutters E E, which, being rapidly revolved towards the advancing lumber, plane it to the proper thickness; and as the lumber continues to advance, it is grasped by the rollers J J, which aid in the feeding motion and discharge the board after it has passed the cutters. The upper rollers I and J, being

hung in spring bearings, always exert a pressure on the top of the board, and thus prevent its being raised up by the action of the cutters E E.

When the lumber is designed for floors or ceilings, or other purpose for which it is required to be matched, a tongue is formed upon one edge of it and a groove in the other by the cutters L and M, which both revolve towards the advancing board; and these operations are performed at the same time that the upper surface of the board is planed, the whole being done at a single operation.

When the lumber is required to be matched, it should be first reduced to a uniform width, and guided in its introduction into the machine by a gauge P attached to the bed Q of the machine.

When the lumber is not to be matched, this gauge and the cutters L and M should be taken off and dispensed with.

Claims.

I claim as my invention:

First—The combination of the cutters E E, and the feeding rollers I and J J, substantially as and for the purpose hereinbefore set forth.

Second—The combination with the cutters E E, and feeding rollers I I and J J of the cutters L and M, substantially as and for the purpose hereinbefore set forth.

WILLIAM WOODWORTH.

Witnesses: JETHRO WOOD.
OLIVER EVANS.

15. FOR A PROCESS.

Specification.

We, Marion Ellsworth, of Chicago, County of Cook and State of Illinois, and Joseph R. Shaw, of Indianapolis, County of Marion, and State of Indiana, have invented a certain process for separating smut and all impurities from wheat, of which the following is a specification:

Take of lime, newly slacked, and while yet warm, one and a half pounds to each one hundred pounds of wheat. Mix the lime well with the wheat, let it stand one hour, then pass it through a smut-mill in the usual way, and it will be found that all the lime, smut, dirt, and other impurities attached to the wheat, of every kind, and which no smut-mill, without my liming process will fully separate, will be entirely removed, and the flour will be as white and as sweet as though made from the best of wheat.

We do not claim the smut-mill, or any improvement thereon, or any new chemical quality of lime.

Claim.

We claim as our invention the process of preparing the lime as set forth, and of applying it, when newly slacked and warm, to wheat, before passing the latter through a smut-mill, so as to cleanse the wheat from all impurities, substantially as described.

MARION ELLSWORTH,
JOSEPH R. SHAW.

Witnesses: MAURICE JONES,
HENRY ELIAS.

16. FOR A COMPOSITION OF MATTER.

Specification.

Benjamin Browning, deceased, late of Charleston, in the district of Charleston and State of South Carolina, during his lifetime invented a certain compound called "wool oil," to be used instead of lard, rape-seed, or other oils in the manufacture of wool.

The nature of my invention consists in mixing olive, lard, or rape-seed oil with a solution of oil soap dissolved in hot water.

To prepare the wool oil, I take a quantity of oil soap of any kind, provided the quality be good, and dissolve the same in hot water, say about thirty pounds of oil soap to thirty gallons of water, or a sufficient quantity of soap to saturate the water. I then take equal parts, by measure, of olive, lard, rape-seed, or any other kind of oil which can be used on wool in the process of its manufacture, and mix it with the preparation aforesaid, to wit, the soap solution, which after such mixture, is ready to be used on the wool with as beneficial an effect as if pure oil only had been used. This wool oil will not decompose by age, because the oil of soap neutralizes the stearine in the oil; hence there is nothing to decompose. And for the same reason spontaneous combustion cannot be produced.

Claim.

I claim as my invention the manufacture or preparation of a compound, which I denominate wool oil, of the ingredients, in the proportions, and for the purposes set forth.

EBENEZER WHITNEY,
Administrator.

Witnesses: JOHN M. THOMPSON.
ARTHUR BARTON.

17. FOR A DESIGN.

Specification.

I, Thomas Tasty, of New Haven, in the county of New Haven and State of Connecticut, have invented and produced a new and original design for carpets, of which the following is a specification:

The nature of my design is fully represented in the accompanying photographic illustration, to which reference is made.

Claim.

I claim as my invention the design for a carpet, as shown.♦

THOMAS TASTY.

Witnesses: OLIVE OGLE,
SAMUEL MERRIWEATHER.

18. FOR A DESIGN FOR A TRADE-MARK.

Specification.

I, Marcellus Wilson, of San Francisco, county of San Francisco and

State of California, have invented and produced a new and original design for a trade-mark, of which the following is a specification:

My design consists of a card or label having in the center the picture of a lion, and above it, in letters, the words "Lion make," and on one side a medallion inclosing in letter-press the words "unequaled in shade, weight, and quantity," and on the other side a similar medallion inclosing the words: "Silk-finish alpaca, London Exhibition," and also the abbreviations "No." and "Yds.," and below the figure of the lion the words "Warranted the best."

Claim.

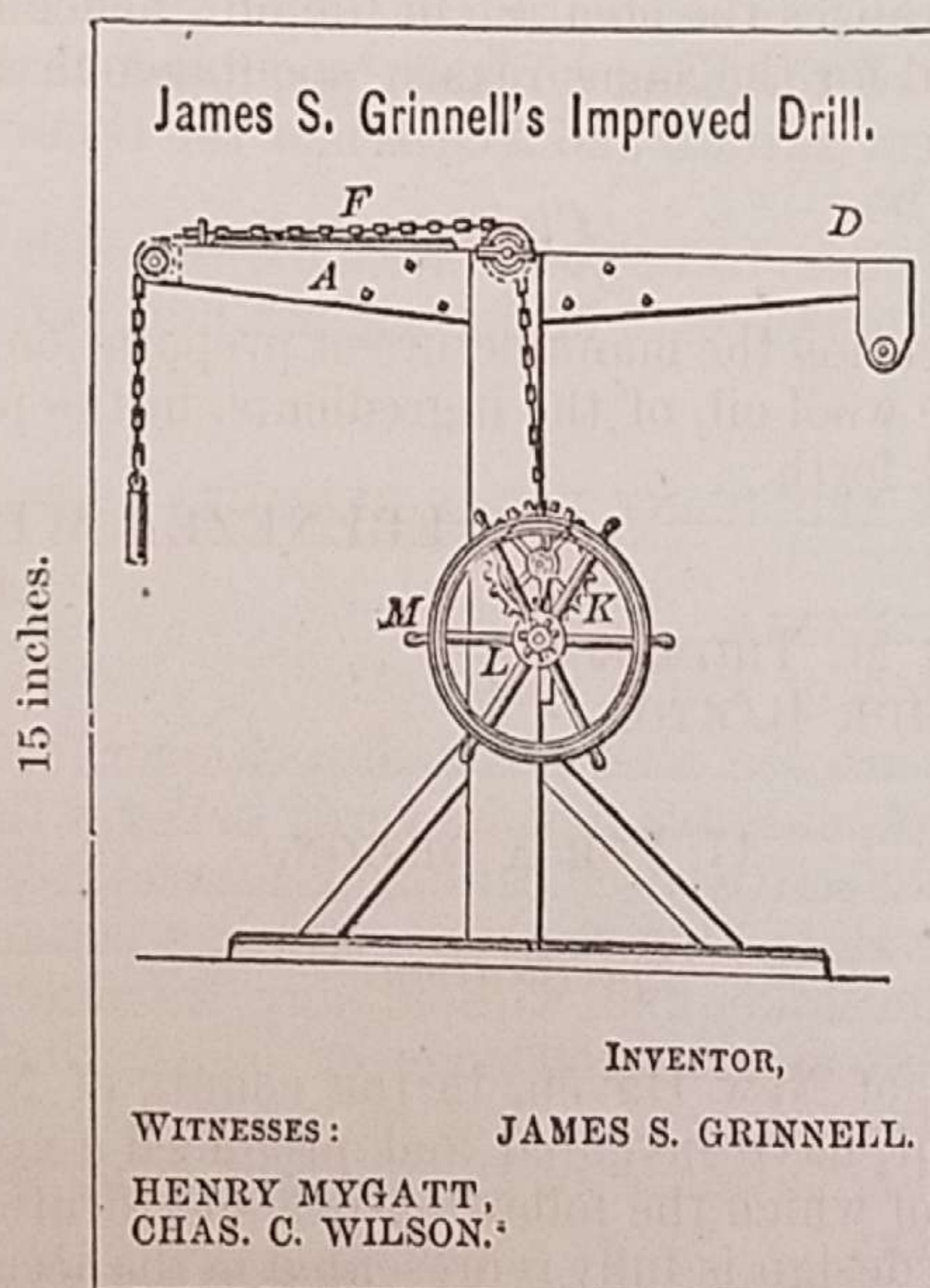
I claim as my invention the design for a trade-mark as described and shown.

MARCELLUS WILSON.

Witnesses: ALLAN BULLARD.
BARTON ALLIBONE.

19. DRAWINGS.

10 inches.



20. AMENDMENT.

WASHINGTON, D. C., July 20, 1869.

To the Commissioner of Patents:

In the matter of my application for letters-patent for an improvement in wagon brakes, I hereby amend my specification by striking out all between the ninth and twentieth lines, inclusive, on page 3; by inserting the words "*connected with*" after the word "*and*," in the first line of the second claim, and by striking out the third claim and substituting therefor the following:

3. The combination of the self-acting brake C, pin A, and slotted flanges D, substantially as described and for the purposes set forth.

HENRY RICHARDS,
By MILTON MEADOWS,
His attorney in fact.

OATHS.*

21. BY A SOLE INVENTOR.

STATE OF NEW YORK,
County of Albany, ss :

Byron Rogers, the above-named petitioner, being duly sworn, (or affirmed,) deposes and says that he verily believes himself to be the original and first inventor of the improvement in seed drills, described in the foregoing specification; that he does not know or believe that the same was ever before known or used; and that he is a citizen of the United States.

BYRON ROGERS.

Sworn to and subscribed before me, this 13th day of March, 1869.

SIMON SHALLOW,
Justice of the Peace.

[If the applicant be an alien, the sentence "and that he is a citizen of the United States," will be omitted, and in lieu thereof will be substituted "and that he is a citizen of the Republic of Mexico," or, "and that he is a subject of the King of Italy," or, "and that he is a subject of the Queen of Great Britain and a citizen of the Dominion of Canada," or as the case may be.

If the applicants claim to be *joint inventors*, the oath will read, "that they verily believe themselves to be the original, first, and joint inventors," &c.]

22. BY AN APPLICANT FOR A REISSUE, (PATENTEE.)

STATE OF PENNSYLVANIA,
City and County of Philadelphia, ss :

Thaddeus Tompkins, the above-named petitioner, being duly sworn, (or affirmed,) deposes and says that he verily believes that, by reason of an insufficient and defective specification, his aforesaid letters-patent are inoperative and invalid; that the said error has arisen from inadvertence, accident, or mistake, and without any fraudulent or deceptive intention, to the best of his knowledge or belief; that he is the sole owner of said letters-patent; and that he verily believes himself to be the first and original inventor of the improvement set forth in this amended specification.

THADDEUS TOMPKINS.

Sworn to and subscribed before me, this 26th day of July, 1869.

CHARLES CANDID,
Notary Public.

[Notarial seal.]

23. BY AN APPLICANT FOR A REISSUE, (ASSIGNEE.)

STATE OF VIRGINIA,
City of Richmond, ss :

Martin Halsted and Norris Brown, the above-named petitioners, being duly sworn, (or affirmed,) depose and say they verily believe that

* To follow the specification.

by reason of an insufficient and defective specification, the aforesaid letters patent granted to Amos Mygatt are inoperative and invalid, that the said error has arisen from inadvertence, accident, or mistake, and without any fraudulent or deceptive intention, to the best of their knowledge and belief; that the entire title to said letters patent is vested in them; and that they verily believe the said Amos Mygatt to be the first and original inventor of the invention set forth and claimed in the foregoing amended specification.

MARTIN HALSTED.
NORRIS BROWN.

Sworn to and subscribed before me, this 14th day of November, 1869.

MORRISON WHITE,
Alderman and Justice of the Peace ex officio.

24. BY AN APPLICANT FOR EXTENSION, (PATENTEE.)

STATE OF NEW YORK,
County of Ontario, ss:

Edward Monroe, the above-named applicant, being duly sworn, (or affirmed,) deposes and says that the foregoing statement and account by him signed is correct and true in all respects and particulars, to the best of his knowledge and belief.

EDWARD MONROE.

Sworn to and subscribed before me, this 1st day of November, A. D. 1868.

PAUL PLACID,
Justice of the Peace.

25. BY AN APPLICANT FOR AN EXTENSION, (EXECUTOR.)

UNITED STATES OF AMERICA,
Northern District of Ohio, ss:

Roger Bacon, executor of the last will and testament of Simon Newcome, deceased, being duly sworn, (or affirmed,) deposes and says that the foregoing statement and account by him subscribed is correct and true in all respects and particulars, to the best of his information, knowledge, and belief.

ROGER BACON, *Executor, &c.*

Sworn to and subscribed before me, this 20th day of May, 1869.

WILLIAM BLACKSTONE,
U. S. Commissioner for the Northern District of Ohio.

26. TO THE LOSS OF LETTERS PATENT.

STATE OF NEW YORK,
County of Albany, ss:

Simon Sutler, of said county, being duly sworn, (or affirmed,) doth depose and say that the letters patent No. 12,213, granted to him, and bearing date on the 9th day of January, A. D. 1855, have been either lost or destroyed; that he has made diligent search for the said letters patent in all places where the same would probably be found, if existing; and that he has not been able to find them.

SIMON SUTLER.

Subscribed and sworn to before me, this 5th day of October, 1868.

RALPH RUMSEY,
Justice of the Peace.

27. OATH OF ADMINISTRATOR TO LOSS OF LETTERS PATENT.

STATE OF MASSACHUSETTS,
County of Suffolk, ss:

Charles Careful, of said county, being duly sworn, doth depose and say that he is administrator of the estate of Henry Miner, deceased, late of Boston, in said county; that the letters patent No. 12,219, granted to said Henry Miner, and bearing date on the 9th day of January, A. D. 1855, have been lost or destroyed, as he verily believes; that he has made diligent search for the said letters patent in all places where the same would probably be found, if existing, and especially among the papers of the decedent; and that he has not been able to find said letters patent.

CHARLES CAREFUL,
Administrator, &c.

Subscribed and sworn to before me, this 5th day of October, 1868.

PETER PLACID,
Justice of the Peace.

APPEALS.

28. FROM THE EXAMINER TO THE EXAMINERS-IN-CHIEF.

To the Commissioner of Patents :

SIR: I hereby appeal to the examiners-in-chief from the decision of the principal examiner, in the matter of my application for letters patent for an improvement in wagon brakes, which, on the 20th day of July, 1869, was rejected the second time.

LEMUEL LOOKUP.

29. FROM THE EXAMINER IN CHARGE OF INTERFERENCES TO THE EXAMINERS-IN-CHIEF.

To the Commissioner of Patents :

SIR: I hereby appeal to the examiners-in-chief from the decision of the principal examiner in charge, in the matter of the interference between my application for letters patent for improvement in sewing machines, and the letters patent of Elias Coleman, in which priority of invention was awarded to said Coleman.

WILLIAM SYPHAX.

30. FROM THE EXAMINERS-IN-CHIEF TO THE COMMISSIONER.

To the Commissioner of Patents :

SIR: We hereby appeal to the Commissioner in person from the decision of the examiners-in-chief, in the matter of our application for the reissue of letters patent for an improvement in cotton presses granted to Anthony Bowen, May 18, 1865.

WILLIAM MARTIN.
CLAUDIUS JENKINS.

31. FROM THE COMMISSIONER TO A JUSTICE OF THE SUPREME COURT
FOR THE DISTRICT OF COLUMBIA.

To one of the justices of the Supreme Court of the District of Columbia :

The petition of George Thompson, of Boston, in the County of Suffolk and State of Massachusetts, respectfully sheweth: That he has heretofore invented a new and useful improvement in velocipedes, and has applied to the Patent Office of the United States for a patent (or for the reissue of a patent heretofore granted) for the same, and has complied with the requirements of the several acts of Congress, and with the rules of the Patent Office prescribed in such cases; that his said application has been rejected by the Commissioner of Patents on appeal to him; that he has filed in said office his prayer for an appeal from said decision, and notice thereof to said Commissioner, and paid unto the same the sum of twenty-five dollars upon said appeal; all which will appear from the certificate of said Commissioner of Patents hereto annexed.

And the said George Thompson prays that his said appeal may be heard and determined by your honor at such a time as may be appointed for that purpose; and that the Commissioner of Patents may be duly notified of the same, and directed in what manner to give notice thereof to the parties interested.

PATENT OFFICE, *Washington, D. C., July 17, 1869.*

I hereby certify that the above-named George Thompson has complied with the requisites of the law necessary to perfect his aforesaid appeal.

SAM'L S. FISHER,
Commissioner of Patents.

To the Commissioner of Patents :

George Thompson, of Boston, in the County of Suffolk and State of Massachusetts, prays that an appeal may be allowed him from your decision rejecting his application for a patent (or for a reissue of a patent granted to him July 7, 1865,) or (awarding priority of invention to William Brown in a matter of interference between appellant and said Brown) for improvement in velocipedes, and of this you are respectfully requested to take notice.

And the said George Thompson assigns the following reasons for appealing from the said decision of the Commissioner of Patents, viz:

The Commissioner erred in deciding that the said improvement was not patentable.

The Commissioner erred in deciding that the said invention was not new.

The Commissioner erred in deciding that the said invention was not useful.

The Commissioner erred in refusing a patent (or reissue) to appellant.

[If the appeal be from the decision of the Commissioner in a case of interference, the reasons may be as follows:]

The Commissioner erred in awarding priority of invention to William Brown.

The Commissioner erred in not awarding priority of invention to appellant.

32. RULES OF THE SUPREME COURT IN APPEALS FROM THE COMMISSIONER OF PATENTS.

First. All appeals taken from the decisions of the Commissioner of Patents to the Supreme Court of the District of Columbia, shall be entered in a docket to be kept for that purpose by the clerk of the court, and every rule, motion, or order made in every pending appeal, and the final decision made in each case, shall be recorded in the minutes of the court, to be kept by the clerk for the purpose.

Second. At each regular term the court will designate one or more justices thereof to hear and determine all pending appeals from the decisions of the Commissioner of Patents.

Third. One or more of the justices will attend at the court-house in Washington, at 10 o'clock a. m., on the first Wednesday of every month, to hear appeals from the Commissioner of Patents; and all pending appeals shall then and there be heard, unless postponed for cause, or for the opinion of the court in banc; and in postponed cases the Commissioner of Patents shall, by mail or otherwise, give the parties in interest, notice of the said postponement, and of any new day which may be assigned for the hearing.

Fourth. The party desiring to appeal from the decision of the Commissioner of Patents must give written notice thereof to the Commissioner, accompanied with his petition to the Supreme Court of the District of Columbia to grant him a hearing, and file the reasons of appeal, and pay the fee of twenty-five dollars, in conformity with the eleventh section of the act of 1839, chapter 88.

Fifth. The appellant, previous to any action on, and preparatory to the hearing, of any appeal, must comply with the requisites of the law in the Patent Office, and his petition must state concisely—1, the application for the patent; 2, its nature, and, if a case of interference; 3, the residence of the party interested; 4, the Commissioner's refusal; 5, the prayer of appeal; 6, notice thereof to the Commissioner; 7, the filing of the reasons of appeal in the Patent Office; and 8, the payment into the office of the sum required by law.

To every petition must be annexed a certificate of the proper officer that the requisitions of the law have been complied with, or an affidavit of the truth of the facts stated in the petition.

No notice to the Commissioner will be issued until such certificate or affidavit be made or produced.

The appeal will be tried upon the evidence which was in the case and produced before the Commissioner.

Sixth. The appellant must file his argument, in writing, within five days after the Commissioner shall send in his report, and the papers, models, and drawings or specimens, or within five days after the day of hearing, which argument must state the facts and law relied on, together with the authorities in support of the same.

Seventh. In contested cases the appellee shall file his argument, in writing, within ten days after the appellant shall have filed his argument. At the hearing, oral arguments may be made, not to occupy more than one hour for each counsel engaged, and not more than two counsel in each case will in any case be heard; and in no case will oral argument be heard unless the opposite party shall have reasonable notice thereof, through the mail or otherwise, from the party desiring to be heard orally; or where oral arguments are ordered by the court, the appellant shall give the notice, and whenever the term notice is used, in these rules, reasonable notice is understood.

Eighth. Oral arguments, without notice, will be heard in all appeals argued before the court in banc, and the justice hearing an appeal may, whenever in his discretion he deems it best for the ends of justice, refer the case to the court in banc for its opinion or decision.

Ninth. In no case will arguments before the court, or any single justice thereof, be heard, except made by the party in interest in person, a member of the bar of this court, the superior or supreme court of a State, Territory, or district of the United States, or a duly licensed solicitor of patents, in good standing before the Patent Office, and admitted to practice before this court as the appellate tribunal from the decisions of the Commissioner of Patents.

Tenth. The court, having fully heard the appeal, shall return all the papers to the Commissioner, with a certificate of its proceedings and decisions, which shall be entered of record in the Patent Office, and such decision, so certified, shall govern the further proceedings of the Commissioner in such case.

33. DISCLAIMER.

To the Commissioner of Patents :

Your petitioner, Ichabod Willis, of St. Louis, County of St. Louis and State of Missouri, represents that he has, by grant duly recorded in the United States Patent Office, become the owner of an exclusive right within and for the several States of Maine, New Hampshire, and Vermont, to make, use, and vend to others to be used, a certain improved mechanical movement, for which letters patent of the United States were granted to Jeremiah Ingersoll, of Albany, in the county of Albany and State of New York, April 1, 1869; that he has reason to believe that, through inadvertence and mistake, the specification and claim of said letters patent are too broad, including that of which said patentee was not the first inventor. Your petitioner, therefore, hereby enters his disclaimer to that part of the claim in said specification which is in the following words, to wit:

“I also claim the sleeves A B, having each a friction cam C, and connected respectively, by means of chains or cords K L and M N, with an oscillatory lever, to operate substantially as herein shown and described.”

ICHABOD WILLIS.

Witness: HENRY OAKLAND.

34. CAVEAT.

The petition of Frank Foresight, of Brandenburg, in the county of Mead and State of Kentucky, respectfully represents:

That he has made certain improvements in velocipedes, and that he is now engaged in making experiments for the purpose of perfecting the same, preparatory to applying for letters patent therefor. He therefore prays that the subjoined description of his invention may be filed as a caveat in the confidential archives of the Patent Office.

FRANK FORESIGHT.

Specification.

The following is a description of my newly invented velocipede, which is as full, clear, and exact as I am able at this time to give, reference being had to the drawing hereto annexed.

This invention relates to that class of velocipedes in which there are

two wheels connected by a beam forming a saddle for the rider, the feet being applied to cranks that revolve the front wheel.

The object of my invention is to render it unnecessary to turn the front wheel so much as heretofore, and at the same time to facilitate the turning of sharp curves. This I accomplish by fitting the front and the hind wheels on vertical pivots, and connecting them by means of a diagonal bar, as shown in the drawing, so that the turning of the front wheel also turns the back wheel with a position at an angle with the beams, thereby enabling it easily to turn a curve.

In the drawing, A is the front wheel, B the hind wheel, and C the standards extending from the axle of the front wheel to the vertical pivot *a* in the beam *b*, and D is the cross-bar upon the end of *a* by which the steering is done. The hind wheel B is also fitted with jaws *c* and a vertical pivot *d*.

FRANK FORESIGHT.

Witnesses: ANDREW AXLE,
WILLIAM WHEELWRIGHT.

[The form of oath will be substantially that provided for original applications, except that, as a caveat can only be filed by a citizen, or an alien who has resided for one year last past in the United States and made oath of his intention to become a citizen, the oath should be modified accordingly.]

ASSIGNMENTS.

35. OF THE ENTIRE INTEREST IN AN INVENTION BEFORE THE ISSUE OF LETTERS PATENT.

In consideration of one dollar to me paid by Ephraim G. Hall, of Cleveland, Ohio, I do hereby sell and assign to said Ephraim G. Hall all my right, title, and interest in and to a certain invention in plows, as fully set forth and described in the specification which I have prepared [if the application has been already made, say "and filed"] preparatory to obtaining letters patent of the United States therefor. And I do hereby authorize and request the Commissioner of Patents to issue the said letters patent to the said Ephraim G. Hall, as my assignee, for the sole use and behoof of the said Ephraim G. Hall and his legal representatives.

Witness my hand this sixteenth day of February, 1868.

J. F. CROSSETTE.

[5-cent revenue stamp.]

36. OF THE ENTIRE INTEREST IN LETTERS PATENT.

In consideration of five hundred dollars to me paid by Nathan Wilcox, of Keokuk, Iowa, I do hereby sell and assign to the said Nathan Wilcox all my right, title, and interest in and to the letters patent of the United States, No. 41,806, for an improvement in locomotive headlights, granted to me July 30, 1864, the same to be held and enjoyed by the said Nathan Wilcox to the full end of the term for which said letters are granted, as fully and entirely as the same would have been held and enjoyed by me if this assignment and sale had not been made.

Witness my hand this tenth day of June, 1869.

HORACE KIMBALL.

[5-cent revenue stamp.]

37. OF AN UNDIVIDED INTEREST IN THE LETTERS PATENT AND EXTENSION THEREOF.

In consideration of one thousand dollars to me paid by Obadiah N. Bush, of Chicago, Illinois, I do hereby sell and assign to the said Obadiah N. Bush one undivided fourth part of all my right, title, and interest in and to the letters patent of the United States, No. 10,485, for an improvement in cooking stoves, granted to me May 16, 1856; the same to be held and enjoyed by the said Obadiah N. Bush to the full end of the term for which said letters patent are granted, and for the term of any extension thereof, as fully and entirely as the same would have been held and enjoyed by me if this assignment and sale had not been made.

Witness my hand this seventh day of January, 1869.

JOHN C. MORRIS.

[5-cent revenue stamp.]

38. EXCLUSIVE TERRITORIAL GRANT BY AN ASSIGNEE.

In consideration of one thousand dollars to me paid by William H. Dinsmore, of Concord, New-Hampshire, I do hereby grant and convey to the said William H. Dinsmore the exclusive right to make, use, and vend within the State of Wisconsin, and the Counties of Cook and Lake in the State of Illinois, and in no other place or places, the improvement in corn-planters for which letters patent of the United States, dated August 15, 1867, were granted to Leverett R. Hull, and by said Hull assigned to me December 3, 1867, by an assignment duly recorded in liber X⁸, p. 416, of the records of the Patent Office, the same to be held and enjoyed by the said William H. Dinsmore as fully and entirely as the same would have been held and enjoyed by me had this grant not been made.

Witness my hand this nineteenth day of March, 1868.

ABRAHAM MOORE.

[5-cent revenue stamp.]

39. LICENSE—SHOP RIGHT.

In consideration of fifty dollars to me paid by the firm of Simpson, Jenks & Co., of Huntsville, Alabama, I do hereby license and empower the said Simpson, Jenks & Co. to manufacture, at a single foundery and machine shop in said Huntsville, and in no other place or places, the improvement in cotton-seed planters for which letters patent of the United States, No. 71,846, were granted to me November 13, 1868, and to sell the machines so manufactured throughout the United States, to the full end of the term for which said letters patent are granted.

Witness my hand this twenty-second day of April, 1869.

JOEL NORCROSS.

[5-cent revenue stamp.]

40. LICENSE—NOT EXCLUSIVE—WITH ROYALTY.

This agreement, made this 12th day of September, 1868, between Morrison White, party of the first part, and the Uniontown Agricultural Works, party of the second part, witnesseth, that whereas letters-patent of the United States for an improvement in horse-rakes were granted to the party of the first part, dated October 4, 1867; and whereas the party of the second part is desirous of manufacturing horse-rakes

containing said patented improvement; now therefore the parties have agreed as follows:

I. The party of the first part hereby licenses and empowers the party of the second part to manufacture, subject to the conditions hereinafter named, at their factory in Uniontown, Maryland, and in no other place or places, to the end of the term for which said letters-patent were granted, horse-rakes, containing the patented improvements, and to sell the same within the United States.

II. The party of the second part agrees to make full and true returns to the party of the first part, under oath, upon the first days of July and January in each year, of all horse-rakes containing the patented improvements manufactured by them.

III. The party of the second part agrees to pay to the party of the first part five dollars, as a license fee upon every horse-rake manufactured by said party of the second part, containing the patented improvements; provided that, if the said fee be paid upon the days provided herein for semi-annual returns, or within ten days thereafter, a discount of fifty per cent. shall be made from said fee for prompt payment.

IV. Upon failure of the party of the second part to make returns, or to make payment of license fees, as herein provided, for thirty days after the days herein named, the party of the first part may terminate this license by serving a written notice upon the party of the second part; but the party of the second part shall not thereby be discharged from any liability to the party of the first part for any license fees due at the time of the service of said notice.

In witness whereof, the parties above named (the said Uniontown Agricultural Works by its president) have hereunto set their hands this day and year first above written.

[5-cent revenue stamp.] MORRISON WHITE,
UNIONTOWN AGRICULTURAL WORKS,
By JABEZ REYNOLDS, *President*.

EXTENSION.

STATEMENT AND ACCOUNT.

In the matter of the application of Fanny Forrester, of the city, county, and State of New York, executrix of the last will and testament of De Witt Forrester, deceased, for extension of letters-patent, No. 10,817, granted to him January 9, 1855, for improvement in mowing machines.

To the Commissioner of Patents:

The applicant respectfully represents that, prior to obtaining the letters-patent now sought to be extended, the said De Witt Forrester was a farmer. That his attention was called to the subject of mowing machines by the difficulty of cutting grass by the machines then in use; that, after numerous patient and costly experiments, he succeeded in perfecting his invention and in obtaining his patent. He immediately made arrangements to manufacture the improvement, and for this purpose sold three-fourths of his farm. He then, with others, built a factory and commenced operations; but, two years afterwards, the establishment was destroyed by fire, without insurance. In the exposure at the fire Mr. Forrester contracted a disease which confined him to the house for three years, when he died, leaving applicant his executrix and widow, with a large family and

small means. Nevertheless, applicant made every effort to induce manufacturers to use the improvement, and at last succeeded in inducing the firm of Weakly & Co., of Pemberton, New-York, to recommence the manufacture of the machines. But after four years the firm failed, being largely in debt to applicant for royalties. After this it became impossible for applicant to do anything with the invention. She wrote to various manufacturers, and made personal application to others, but found them unwilling to make any arrangement to pay royalties or to use the invention in any way, unless she would sell the patent, including the extension, for a nominal sum. She states, however, that she has at length succeeded in perfecting an agreement with Merriam & Co., of Syracuse, New-York, conditioned upon the extension, whereby the said firm agreed to manufacture the patented machines, and to pay her a royalty of three dollars upon each one made. Aside from the interest so vested in Merriam & Co., the entire interest in the extension remains vested in her, and she has made no assignment, contract, or agreement of any kind for the sale or assignment of the extended term to any person whatsoever.

Owing to the destruction of Mr. Forrester's books in the fire, it is impossible to prepare an accurate account of receipts and expenditures, but the following is believed to be as correct as it was possible to make it:

Receipts.

From profits from business, (for particulars of which see schedule A).....	\$1,236 00
From royalties from Weakly & Co., (for details of which see schedule B).....	2,341 50
From sale of shop right to Brown & Jones, Penn Yan, N. Y.	250 00
Total receipts.....	3,827 50

Expenditures.

Expense of procuring patent.....	250 00
Net receipts.....	3,577 50

The invention is exceedingly useful, as will be abundantly proved by the testimony. It is believed, if properly understood and appreciated, that it would now be incorporated in at least 50,000 mowing machines. Its value may be fairly fixed at the price which manufacturers have agreed to pay for it, which is three dollars per machine. If this estimate is even approximately correct, it is evident that the public have been greatly benefited; while the fact that Mr. Forrester invested his entire time and means, and finally lost his life in the prosecution of his invention, is respectfully offered as proof that he has not been adequately remunerated for his time, ingenuity, and expense bestowed upon this invention, and the introduction thereof into use.

Respectfully submitted.

FANNY FORRESTER,
Executrix.

[Here follows oath; see form 24.]

EXTENSIONS.

42. REASONS OF OPPOSITION TO AN EXTENSION, (BY INDIVIDUALS.)

In the matter of the application of Peter Prolong, for an extension of letters patent for improvements in sewing machines, No. 12,213, dated May 15, 1855.

To the Commissioner of Patents :

We wish to oppose the application above referred to for the following reasons, viz :

First. Applicant was not the original and first inventor of the improvement claimed by him in said letters patent.

Second. If said alleged invention was ever made by applicant, which we deny, it is not *useful*.

Third. Said invention is not *valuable* and *important* to the public. .

Fourth. Applicant has been *adequately remunerated* for his time, ingenuity, and expense in originating and perfecting his alleged invention.

Fifth. Applicant has not used due diligence in introducing his alleged invention into general use.

Sixth. Applicant has assigned to other parties all interest in the extension, and the extension, if granted, would not be for his benefit.

(See assignment to Veteran Grimes, dated April 1, 1864; recorded June 2, 1864, in liber J¹⁰, page 217.)

Seventh. The statement and account filed by applicant does not present a true statement of his receipts and expenditures.

DANIEL DRIVER.

SINCLAIR SCORCHEM.

JEREMIAH JOINING.

PAWTUCKET, R. I., July 19, 1869.

43. REASONS OF OPPOSITION TO AN EXTENSION, (BY A CORPORATION.)

In the matter of the application of Timothy Twist, for an extension of letters patent for improvements in process for dressing thread, No. 13,119, dated May 19, 1855.

To the Commissioner of Patents :

The Growler Mills, a corporation established under the laws of Massachusetts, doing business at Fall River, Massachusetts, hereby gives notice of intention to oppose the application above referred to, for the following reasons, viz :

First. This company is extensively engaged in the manufacture and sale of sewing thread of the various kinds in general use, having large sums of money invested in business. It has been accustomed to dress thread by sizing and brushing in substantially the same manner as warps and thread have been dressed and finished for many years, in the full belief that such process is neither new nor patentable. The said manufacture has been carried on for more than three years with the knowledge and consent of said Timothy Twist, and without any claim to royalty or other compensation on his part, or pretense that he was the inventor of the said process. Within the past six months, however, he has threatened this corporation with an action for damages unless an exorbitant sum of money were paid to him.

Second. Said letters patent are valid neither in law nor in fact; the alleged invention is not *valuable* and *important* to the public, and an extension would result in the prolongation of a vexatious and unfounded

claim, which would compel a resort to litigation to prove the utter worthlessness of said patent.

This corporation is ready to substantiate by evidence these reasons of objection.

And said corporation hereby appoints Messrs. Morehead & Newton, of Fall River, Massachusetts, its attorneys and counsel, with full power to represent said corporation in all matters relating to said proposed extension.

Witness the seal of said corporation, and the signature of its president, at Fall River, Massachusetts, this third day of April, A. D. 1869.

[SEAL.]

THE GROWLER MILLS.

By RODERICK RITTENHOUSE, *President*.

[Int. rev. stamp, 50 cents.]

DEPOSITIONS.

44. NOTICE OF TAKING TESTIMONY.

BOSTON, MASS., *March 29, 1869.*

In the matter of the interference between the application of Lyman Osgood for a paper collar machine, and the patent No. 85,038, granted December 15, 1868, to Charles Comstock, now pending before the Commissioner of Patents.

SIR: You are hereby notified that on Wednesday, March 31, 1869, at the office of Sextus Tarquin, esq., No. 30 Court street, Boston, Massachusetts, at nine o'clock in the forenoon, I shall proceed to take the testimony of Truman Truthful, Peter Pivot, and Welcome Story, all of Boston, as witnesses in my behalf.

The examination will continue from day to day until completed. You are invited to attend and cross-examine.

LYMAN OSGOOD.

By PETER PROCTOR, *his Attorney*.

CHARLES COMSTOCK,
Providence, R. I.

Proof of service.

Service of the above notice acknowledged.

CHARLES COMSTOCK.

By CHARLES CAVIL, *his Attorney*.

PROVIDENCE, R. I., *March 30, 1869.*

45. FORM OF DEPOSITION.

Before the Commissioner of Patents, in the matter of the interference between the application of Lyman Osgood for a paper collar machine, and the letters patent No. 85,038, granted December 15, 1868, to Charles Comstock.

Depositions of witnesses examined on behalf of Lyman Osgood, pursuant to the annexed notice, at the office of Sextus Tarquin, No. 30 Court street, Boston, Massachusetts, on Wednesday, March 31, 1869. Present, Peter Proctor, esq., on behalf of Lyman Osgood, and Charles Cavil, esq., on behalf of Charles Comstock.

Truman Truthful being duly sworn, (or affirmed,) doth depose and say, in answer to interrogatories proposed to him by Peter Proctor, esq., counsel for Lyman Osgood, as follows, to wit:

Question 1. What is your name, age, residence, and occupation?

Answer 1. My name is Truman Truthful. I am forty-three years of age. I am a manufacturer of paper collars, and reside in Chelsea, Massachusetts.

Question 2, &c., * * * * *

And in answer to cross-interrogatories proposed to him by Charles Cavil, esq., counsel for Charles Comstock, he saith:

Cross-question 1. How long have you known Lyman Osgood?

Answer 1. * * * * *

TRUMAN TRUTHFUL.

46. CERTIFICATE OF OFFICER.

COMMONWEALTH OF MASSACHUSETTS,

County of Suffolk, ss:

At Boston, in said county, on the twenty-sixth day of April, A. D. 1869, before me personally appeared the above-named Truman Truthful, and made oath that the foregoing deposition by him subscribed contains the truth, the whole truth, and nothing but the truth. The said deposition is taken at the request of Lyman Osgood, to be used upon the hearing of an interference between the claims of the said Lyman Osgood and those of Charles Comstock, before the Commissioner of Patents, on the third day of May, A. D. 1869.

The said Charles Comstock was duly notified, as appeared by the original notice hereto annexed, and attended by Charles Cavil, esq., his counsel.

SEXTUS TARQUIN,

Justice of the Peace.

The magistrate shall seal up the testimony, and write upon the envelope a short certificate, substantially in the following form, viz:

"I hereby certify that the depositions of Truman Truthful and Peter Pivot, relating to the matter of interference between Lyman Osgood and Charles Comstock, were taken, sealed up, and addressed to the Commissioner of Patents by me.

"SEXTUS TARQUIN,

"Justice of the Peace."

INDEX.

	Section.
Abandoned, when cases are deemed to be.....	123
Abandonment, by inventor.....	4
by non-completion of application.....	7
by non-payment of final fee.....	104
Amendments.....	9
where and how to be made.....	34-40
during pendency of interference.....	59
in reissues.....	63
of drawings or model.....	63
Appeals, to examiners-in-chief.....	44, 45
to Commissioner.....	47, 48
to judge of supreme court of District of Columbia.....	49, 50
Application, must be completed within two years.....	7
by whom to be made.....	8
how to be written.....	9
completion of.....	31
for reissue.....	64
Assignee, when patent issued to.....	2, 95, 96
Assignments.....	94-101
for what made.....	94, 98, 100
to be recorded.....	96, 99, 100
require five cent revenue stamp.....	101
Attorneys.....	116, 127-130
conflicting parties represented by the same one.....	119
notice to, in interferences.....	55
service of notice upon.....	76, 110
Canada, citizens of, to state that fact.....	17
Caveats.....	86-93
how filed and by whom.....	86
renewal of.....	87
oath required.....	88
cannot be withdrawn.....	90
interference with.....	51
Commissioner of Patents, decision of one not disturbed by his successor.....	48
appeal to, from action of examiners-in-chief.....	47
appeal from, to judge of supreme court.....	48, 49
official communication to and from, free of postage..	117
Copies, photographic duplicate.....	20
photographic, of patented drawings.....	22
of designs.....	30, 80
of references.....	37
of papers to be amended.....	40
in interferences.....	60
of caveats.....	92
cost of.....	103
in contested cases.....	114

	Section.
Copies of specifications, drawings, and patents	122
from works in library	131
Correspondence, rules of	115-126
Counsel, service of notice upon	110
Designs	78-82
when a model will not be required	29
may be represented by photographs, and how	30
drawing of, not photographed by office	80
for what granted	78
term of	79
extensions of	81
Disclaimers, by whom, and how made	67
Drawings, how to be made	18-24
photographic copy, as furnished by office	20-22
duplicate for patent	18
cost of photographic copies	20, 22
must not be colored	23
size of	23
must not be folded	19, 24
amended by model	63
Examinations	32-40
order of	32
of specification	39
of reissues	66
Extension	68-77
patents capable of extension	68
application to be filed at least 90 days before extension	69
requisites in	71, 72
opposition to	70, 73, 74
testimony in	72-77
of patents for designs	81
Fees, amount and how payable	102-107
Foreign patents	83-85
oath required	84
Forfeited patent	104
Forms of petition, specification, oath, &c. (See Appendix.)	
in appeal to supreme court of District of Columbia	50
Information	37, 38
given or withheld	118-125
Interferences	51-60
conditions for declaring	51
with previous patent	52, 53
appeals in	54
testimony in	56, 57
notice in	55
to be tried before an examiner specially detailed	58
with a part of a pending application	60
Inventions, several in one application	12, 13
Inventor, when deceased, how to proceed	2
Inventors, joint, entitled to joint patents	3
Library	131
Licenses, mere, need not be recorded	100
Model, when required and how to be made	25-30
when to be returned	25

	Section.
Model, amended only by drawings	63
Money, how to be sent to office	105, 106, 107
Oath of applicant, before whom it may be taken	16
Oath and affidavit, of inventor in assignment	2
by executor or administrator	8
of applicant	16
in certain cases of interference	53
statement of title of party proposing to surrender patent for reissue	62
in cases for extension	71, 72
of applicant for invention patented 'abroad	84, 85
for caveat	86, 88
patent to assignee sworn to by inventor	96
(See Testimony.)	
Patents, who may obtain a patent	1-6
mode of proceeding to obtain a patent	7-31
foreign	83-85
forfeited for non-payment of final fee	104
Pending cases, what are considered as such	123
Personal attendance of applicants not necessary at Patent Office	33
Petition	7, 8
Photograph, must be signed by inventor	9
Reissues	61-66
to whom granted	61
requisites for	62
what may be granted in	63
applications for, acted upon as soon as filed	64
division in	65
examination of	66
Rejection, condition of case after	34
for want of novelty	37
upon a previously rejected case	38
Repayment of money, when made	42
Secret archives, under what conditions patents may be retained in	43
Specification, its object	10
what is required in it	11-15
careful preparation by competent counsel	33
not to be returned for amendment	40
Specimens, when required	28
Stamps, when required	101, 108
Supreme court of District of Columbia—Appeals	48-50
Testimony, taking and transmitting	109-114
in interferences	56, 57
in extensions	72-77
Trade marks, not patentable without new design	82
Withdrawals, in what cases they can be made	41

INDEX TO FORMS.

	Form.
Petition, by a sole inventor.....	1
by joint inventors.....	2
by an assignee.....	3
by an administrator.....	4
by an executor.....	5
for a reissue (by a patentee).....	6
(by assignees).....	7
for an extension (by a patentee).....	8
(by an administrator).....	9
for a patent for a design.....	10
with power of attorney.....	11
Power of attorney.....	12
Revocation of power of attorney.....	13
Specifications, for a machine.....	14
for a process.....	15
for a composition of matter.....	16
for a design.....	17
for a design for a trade-mark.....	18
Drawings.....	19
Oaths, by a sole inventor.....	20
by an applicant for reissue (patentee).....	21
(assignee).....	22
extension (patentee).....	23
(executor).....	24
to the loss of letters patent.....	25
(by administrator).....	26
Amendment.....	27
Appeals, from examiner to examiners-in-chief.....	28
interference.....	29
examiners-in-chief to Commissioner.....	30
Commissioner to judge supreme court D. C.....	31
rules of the supreme court in.....	32
Disclaimer.....	33
Caveat.....	34
Assignments and licenses, entire interest before issue of patent.....	35
in patent.....	36
undivided interest in patent.....	37
exclusive territorial grant.....	38
license, shop right.....	39
with royalty.....	40
Extensions, statement and account.....	41
reasons of opposition.....	42
by corporation.....	43
Depositions, notice of taking testimony.....	44
form of deposition.....	45
certificate of officer.....	46

